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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,402	07/16/2003	William J. Semper	SAMS01-00261	2926

7590 06/07/2007  
Docket Clerk  
P.O. Box 800889  
Dallas, TX 75380

EXAMINER
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VU, MICHAEL T

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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06/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/620,402

Applicant(s)

SEMPER ET AL.

Examiner

Michael Vu

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Remark, filed 08/21/2006, with respect to the rejection(s) of claim(s) 1-21 under 102(e), and 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shanbhag (US 2003/0095527), and Rinne (US 6,711,141).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanbhag (US 2003/0095527) in view of Rinne (US 6,711,141).

Regarding **claims 1, 8 and 15**, Shanbhag teaches for use in a wireless network (Figure 3), a method of providing quality-of-service (QoS) functions to a mobile station accessing the wireless network (Figures 3-5, [0023-0040], level of services), the method comprising the steps of: receiving from the mobile station a packet data call initiation

signal (Figure 3, Base Station #315, received signal); sending an authorization request corresponding to the mobile station (Figures #3, Base Station to Authorization/Content Server #110, [0025-0040]); receiving an authorization message [0025-0040] and; receiving application information corresponding to the mobile station [0040]; and determining quality-of-service parameters according to the quality-of-service [0023] and the application information [0023], wherein the mobile station thereafter communicates according to the quality-of-service parameters [0009-0022].

**But Shanbhag does not clearly mention on** quality-of-service profile corresponding to the mobile station.

However, Rinne teaches the new functional elements of the mobile station that used different applications in which selected the plurality quality of service profiles, and includes (e.g. delay, bit error rate (BER), maximum bit rate and order of service (Col. 1, line 43-Col. 4, line 67)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shanbhag, such that quality-of-service profile corresponding to the mobile station, to support several applications that perform packet format data transfer and/or over the uplink data packets.

Regarding **claims 2, 9, and 16**, Shanbhag/Rinne teach the method of claim 1, wherein the packet data call initiation signal is received in a base station controller (Figure 3, Base Station #315) of Shanbhag.

Regarding **claims 3, 10, and 17**, Shanbhag/Rinne teach the method of claim 1, wherein the quality-of-service profile is stored on an authorization server (Figure 3, Content Server #110) of Shanbhag.

Regarding **claims 4, 11, and 18**, Shanbhag/Rinne teach the method of claim 1, wherein the quality-of-service parameters are sent to a packet data serving node (Figure 3, [0023-0040]) of Shanbhag.

Regarding **claims 5, 12, and 19**, Shanbhag/Rinne teach the method of claim 1, wherein the application information includes an application data class (Col. 4, line 4-65).

Regarding **claims 6, 13, and 20**, Shanbhag/Rinne teach the method of claim 1, wherein the quality-of-service profile includes delay, maximum data rate (Col. 11, line 11-27), and data loss rate information (Col. 1, lines 33-54) of Rinne.

Regarding **claims 7, 14, and 21**, Shanbhag/Rinne teach the method of claim 1, wherein quality-of-service parameters are determined by a quality-of-service control component [0009-0023] of Shanbhag.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael Vu  
Examiner

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**